

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOHN A. WHITT,

Petitioner

v.

CIVIL ACTION NO. 2:10-0009

[ADMINISTRATOR,
South Central Regional Jail],

Respondent

MEMORANDUM OPINION AND ORDER

Pending is a petition for writ of habeas corpus filed
January 4, 2010.

This action was previously referred to Mary E. Stanley,
United States Magistrate Judge, who, on February 1, 2010,
submitted her Proposed Findings and Recommendation ("PF&R")
pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On
February 5, 2010, the petitioner filed objections to the PF&R.

The magistrate judge notes that petitioner is no longer
incarcerated in this district. She recommends that the petition
be dismissed as moot. Petitioner objects but concedes that he is


no longer incarcerated in this district. The court, accordingly, ORDERS as follows:

1. The PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That the petition for a writ habeas corpus be, and it hereby is, denied; and
3. This action be, and it hereby is, dismissed and stricken from the docket.

Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(A), petitioner must file any appeal within 30 days after entry of the Judgment in this action. The failure within that period to file with the Clerk of this court a notice of appeal of the Judgment will render this memorandum opinion and order and the Judgment final and unappealable.

The Clerk is directed to forward copies of this written opinion and order to the pro se petitioner, all counsel of record, and the United States Magistrate Judge.

DATED: February 24, 2010



John T. Copenhaver, Jr.
United States District Judge